

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PHILLIP MARTIN,

Plaintiff,

v.

Case No. 08-C-231

KARA HERRBOLD,

Defendant.

ORDER

Plaintiff has filed a motion for reconsideration, in which he claims this court has subject matter jurisdiction because his claim involves the Excessive Fines Clause of the Eighth Amendment. The Excessive Fines Clause “limits the government's power to extract payments, whether in cash or in kind, ‘as punishment for some offense.’ ” *Austin v. United States*, 509 U.S. 602, 609-610 (1993). The government in this case is not alleged to have extracted any payment from the plaintiff. Its actions merely resulted in the loss of a driver’s license. *Faulk v. Tiffany*, 2000 WL 714336, *4 (D. Kan. 2000) (“revocation of plaintiff's driver's license cannot be considered a ‘fine’ for Excessive Fines Clause purposes because the revocation does not constitute a ‘payment in cash or in kind.’”) Moreover, if there is any “excess,” it is based solely on the circumstances particular to the plaintiff, namely, the impact the government’s action has on his desire to apply for a towing license. Thus, the alleged “excess” does not result directly from the government’s extraction of any payment but rather from the collateral effect that the government’s action has on

the plaintiff's own plans. Accordingly, I conclude there is no "fine" at issue here, and even if there were, it would not be deemed "excessive."

The plaintiff protests that he the victim of injustice and seems to imply that there must therefore be a remedy in this court. The great majority of litigation in this country, however, occurs in state courts or administrative proceedings – not in federal district courts. Federal courts have extremely limited jurisdiction, and if there is a remedy for the suspension of a driver's license one expects it lies in another forum. The motion for reconsideration is therefore **DENIED**.

SO ORDERED this 25th day of March, 2008.

s/ William C. Griesbach
William C. Griesbach
United States District Judge